

## **b) Code Enforcement Officer Training and Certification**

### **Enabling Legislation**

*5 MRSA § 3305 (M)*: Directs SPO to administer a program of training and financial assistance for municipal code enforcement officers.

*30-A MRSA § 4451*: Directs SPO to provide training and certification for local code enforcement officers; including establishing by rule the qualifications, conditions and licensing standards and procedures for the certification and recertification of individuals as code enforcement officers; establishing a continuing education program for individuals engaged in code enforcement; and conducting examinations of candidates for certification and recertification.

In addition to ongoing duties, the Legislature frequently calls on SPO to conduct short-term codes administration projects. Examples of these include:

- *P.L. 1999, Ch. 776*: Directs SPO to assist the State Fire Marshall with a review of codes
- *Resolve 29, 2001*: Directs SPO to establish a model building rehabilitation code

### **Positions Contributing to this Responsibility**

- (1) Senior Planner
- (1) Planner II
- (1) Planning & Research Associate
- Shared Clerical and Administrative Support

### **Description**

In 1988, the Legislature was considering landmark growth management legislation that would encourage orderly growth, efficient public facilities, and protect the State's natural resources-based economy. Policymakers realized that it would fall to the locally-appointed code enforcement officers to enforce the land use laws stemming from the legislation. At the same time they found that many small towns did not have code officers and many more were ill equipped to do the job. The Legislature decided that if the State's goals were to be achieved, there was a need to not only train, but to test and certify code officers for specific competencies. The Growth Management Act established a state-administered program to train and certify code officers. Today, the purpose of the program remains to build and strengthen local capabilities to administer and enforce land use and building ordinances.

A Code Enforcement Officer (CEO) is defined under 30-A MRSA § 4451 as a person employed by a municipality to enforce all enabling state laws and local ordinances in the following areas: shoreland zoning, land use regulation, internal plumbing, subsurface waste water disposal, and building standards. CEOs must be certified in each area for which they have responsibility within 12 months of their initial appointment date or of

the date they assume responsibility for a given area. The statute also requires code officers to maintain their certification and to be recertified every five years. In addition to the basic courses needed for certification, SPO provides advanced training and awards Advanced Certification to individuals who have exceeded the standards required by law.

The program has been a remarkable success. As of January 2001, 609 individuals were certified in one or more of the required areas and 92% of Maine's municipalities comply with state requirements regarding employment of certified code officers. As a result of certification requirements, CEOs have become more skilled in enforcing land use laws and other codes. The program has increased stability for municipalities who previously faced high turnover rates in CEOs. Finally, SPO's program has spurred code enforcement as a profession, giving CEOs legitimacy in their communities, in the court system, and with state officials. Maine's code enforcement officer training and certification program is used as a model by other states.

### **Progress towards Goals and Objectives**

To achieve its goal of stimulating the development of the State's economy and the conservation of its natural resources, SPO's strives to ensure municipalities have skilled code officers to administer local and state safety and environmental codes. SPO measures the number of Maine municipalities with certified code officers.

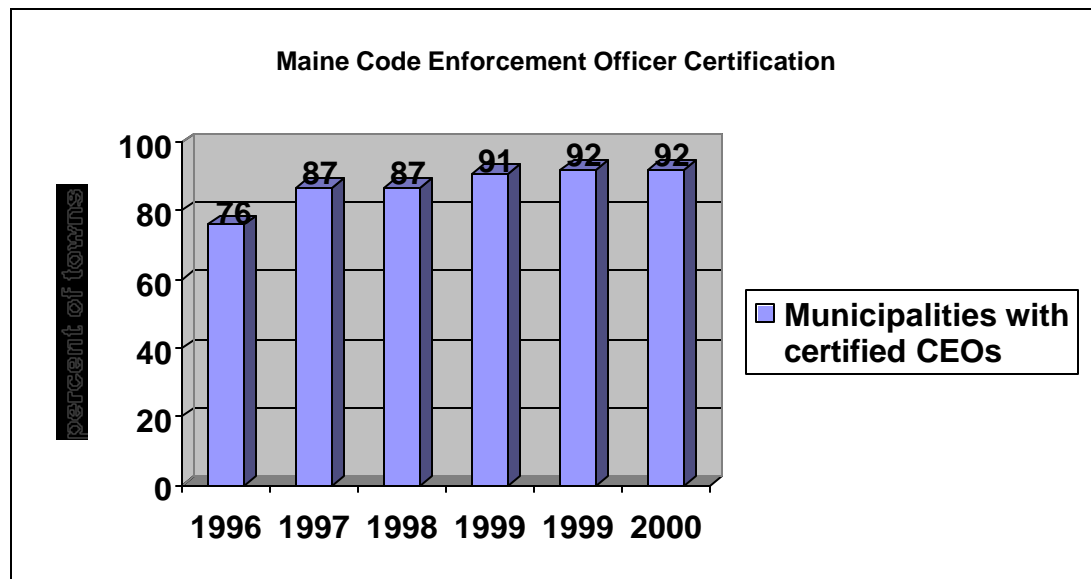


Figure 5: State law requires all CEOs to be certified

### **Assessment of Progress**

The rate of certified code enforcement officers remains high and steady. Because of normal personnel turnover in the Code Enforcement Officer profession, it is unlikely that compliance will reach 100% in any given year. The program continues to assist towns not yet in compliance.

### Performance Outputs for 2000

- 1,700 participants in nine CEO workshop series consisting of 32 training days; 85% of workshop participants rated their satisfaction as *Very Good* or *Excellent*
- 260 CEO exams given
- 1,200 calls for CEO-related technical assistance
- Attended 10 Code Enforcement Officer association meetings; presenting at four
- Participated in the working group on the new Internal Plumbing Code, proposed changes to shoreland zoning program, nonpoint source pollution, and manufactured housing regulations
- Generated and mailed 451 annual municipal status reports
- Generated and mailed 609 annual Code Enforcement Officer and Local Plumbing Inspector recertification status reports
- Provided 10 Regional Planning agencies with quarterly status reports
- Began development of two study guides
- Mailed over 300 training manuals and program information packets to interested individuals

### Other Evaluative Processes

- *Training Needs Survey*: In November 2000, SPO surveyed Maine's Code Enforcement Officers and Local Plumbing Inspectors to assess its performance and to identify needs of these professionals. 77% of those surveyed indicated they are satisfied with the SPO's training for code enforcement officers. Nearly 50% of those surveyed indicated they would like to have study guides available to augment the study manuals. A staff member has been working on this project since the beginning of the year and the first study guide will be completed soon. Survey respondents (21%) also said that the office should share its training materials with other organizations. In response to this need, SPO is developing training modules that can be used by regional planning agencies or other organizations.

### Summary of Rule-making Activity

SPO has rule-making authority to administer its code enforcement officer training and certification responsibilities as follows:

- to establish the qualifications, conditions, and licensing standards and the procedures for the certification and recertification of individuals as code enforcement officers (Chapt 300) (30-A MRSA § 4451, sub-5)

The State Planning Office does not intent to promulgate new rules or amend the existing rule in the upcoming year.

### Comparison of Federal and State Laws

Not applicable

## **Constituencies Served**

- Code Enforcement Officers
- Local Plumbing Inspectors
- Municipalities
- Regional Planning Offices
- Law Firms
- General Public

## **Efforts to Coordinate with Others**

SPO has developed an effective working relationship with local code enforcement officers and plumbing inspectors as professional codes administrators in the State. They assist SPO with evaluating its training programs, provide experts to conduct training, and work with SPO in a number of ways to improve codes enforcement in Maine.

Examples of other successful collaborative efforts include:

- *Maine Building Officials and Inspectors Association*: MBOIA, a nonprofit member association that is an affiliate of the Maine Municipal Association, provides specialized training for its members. SPO provides MBOIA mail lists and announces its workshops in SPO's newsletter and website. MBOIA similarly publicizes SPO's announcements. Recently, when SPO recruited to fill the program manager position for the Code Enforcement Training and Certification program, MBOIA assisted with the selection process by participating in interviews and evaluating candidates.
- *Maine Municipal Association*: SPO and MMA regularly confer on technical matters and support each others' work to assist municipalities.
- *Model Building Rehabilitation Code*: SPO is working with a legislatively-created Advisory Council to develop a model building rehabilitation code for the State. The Advisory Council is made up of the Director of the State Planning Office, State Fire Marshal, Commissioner of Economic and Community Development, Director of the Maine Historic Preservation Commission, and 11 members, appointed by the Governor, representing municipal government and the various building trades industries. The Advisory Council will continue to work with SPO beyond the adoption of a code to review and revise it every three years.
- *Subsurface Wastewater Disposal Demonstration Project*: For two years, SPO has been working with several state agencies and the University of Maine to conduct a demonstration project to provide Licensed Plumbing Inspectors (LPIs) insight into the detrimental effects that improperly installed systems have on soils, ground water and other natural resources and to promote understanding of proper techniques for installing septic systems. The session demonstrates different types of septic fields and erosion control measures on land donated by the University of Maine located at Highmoor Farms in Monmouth. 325 individuals have participated in the program, which will be in place for three more years. In addition, other professionals, such as contractors, real estate agents and site evaluators, are interested in collaborating on

additional training. Staff from the departments of Human Services (Health Engineering), Environmental Protection, and Agriculture contributed to this effort. Funds from the Maine Outdoor Heritage Fund and the Maine Coastal Program launched the project

### **Alternate Delivery Systems**

The State Planning Office uses a variety of delivery systems to streamline processes, leverage funds, save time and money, and reach more people. These alternatives include: contracting with others to provide services, using volunteers, interns and research fellows, partnering with other organizations, sharing resources, and using electronic mechanisms.

Examples of successful alternative delivery systems include:

- *Partnering*: Multiple state agencies assist SPO with training and technical assistance for local code enforcement officers. If it were not for these departments, SPO would need to contract for trainers. These include: DEP (shoreland zoning), Department of Professional and Financial Regulation (internal plumbing, oil and solid fuel, chimney standards, and manufactured housing), Department of Human Services, Division of Health Engineering (subsurface wastewater system disposal), Fire Marshall's Office (barrier free and life safety code), Department of Transportation (road standards, junkyards, and access management), and State Planning Office (floodplain management and Smart Growth).
- *Teleconferencing*: The Program has researched using teleconferencing as a means to provide training statewide. As the system exists today, it is cumbersome for large group training proposes. Despite this obstacle, the program has used this technology for working groups, which allows input from individuals statewide.
- *Internet Technology*: To expand services to CEO and LPIs, SPO has posted training materials and program information on its web page. A recent SPO survey shows that 51% of CEOs and LPIs have Internet access at work and 66% have it at home. 70% indicated that, if given the opportunity, they would register for workshops via the Internet. Based on these responses SPO has begun converting manuals for posting on SPO's website and compiling email addresses for those who have the capacity to receive information via the Internet. Over time, electronic communications will reduce printing and mailing costs.
- *Contracts for Services*: SPO contracts with Regional Planning Commission (RPCs) to provide technical assistance services for the Code Enforcement Officer Training and Certification Program. RPCs monitor the compliance status of participating towns and offer technical assistance where needed. In particular, the Northern Maine Development Commission administers examinations for certification. This service allows individuals in Northern Maine municipalities to take required examinations without excessive travel.

## **Emerging Policy Issues**

The following codes enforcement issues are likely to command SPO time and attention in the coming 1-3 years:

- *Aging Demographics:* There is an influx of new individuals entering the Code Enforcement Officer profession as a result of Towns adding new Code Enforcement Officer positions and from CEOs retiring or leaving their positions to pursue other professions. Given the current demographics Maine's code officers, it is conceivable that 40-50% of them will retire in the next 6-10 years. While there is evidence that municipalities are responding to the impending need to replace their CEOs, some are not. The Office will see short-term drops in compliance rates and increased demand for assistance until this trend subsides.

***SPO's Role:** SPO will train and certify new code officers as they are hired.*

- *Continuing Debate on State Building Code:* Maine does not have a statewide building code. Several municipalities have adopted the Building and Code Administrators (BOCA) building code. Then again, some towns have adopted other nationally-recognized codes. In 1998, a legislatively directed Municipal Building Code Task Force determined that it is both feasible and desirable that a model building code be available to Maine communities. Interested municipalities could use the model as a guide in considering what building standards might be appropriate for their community. The 120<sup>th</sup> Legislature directed SPO to develop a model Building Rehabilitation Code to support downtown development. The Building Rehabilitation Code will focus strictly on existing buildings whereas a model building code would cover all construction. The introduction of a model rehabilitation code will spawn continued discussions on the development of a model building code for the State.

***SPO's Role:** If the Legislature adopts a statewide building code, SPO will provide training and assistance to municipal code officers.*

## **Emerging Programmatic Issues**

- *Fees for Training:* SPO charges no fees to municipal code enforcement officers (CEOs) for training. At the time the Legislature enacted CEO certification requirements as part of the 1988 Growth Management Act, they disapproved of charging workshop fees to towns. While state law requires CEOs to be certified within 12 months of hire and recertified every five years, some code officers seek additional training. SPO would like to be able to charge a modest fee to individuals participating in training that is not required for certification or recertification to cover the cost of conducting its workshops.

***Background:** SPO funds the CEO training required for certification and recertification with General Fund dollars. A portion of the plumbing permit fees collected by the Department of Human Services/Health Engineering funds training for LPs. In addition, SPO offers at no charge, advanced training for*

more experienced CEOs and LPIs. There is also a need for new training resources. At the behest of the Legislature, SPO is developing a model Building Rehabilitation Code. At the same time, the Department of Professional and Financial Regulation is adopting a new Internal Plumbing Code. While municipal use of the model building code is voluntary, SPO expects that towns will adopt it and need training in its use. The new plumbing code standards will require changes in enforcement practices at the local level. SPO will need to provide new training or make changes to its existing program when the changes take affect. Together, these extra training programs stretch SPO resources beyond its ability to adequately respond.